

REGULAR MEETING CITY COUNCIL

April 3, 2017

The City Council of the City of Albemarle met in a regular session on Monday, April 3, 2017, at 7:00 p.m. in the Council Chambers of City Hall. Mayor G. R. Michael presided, and the following Councilmembers were present, to-wit: Bill Aldridge, Chris Bramlett, Benton Dry II, Martha Sue Hall, Martha E. Hughes, Dexter Townsend and Chris Whitley. Absent, none.

Mayor Michael called the meeting to order.

Mayor Michael gave the invocation.

The Mayor and City Council presented a retirement certificate to Doug F. Blalock for 31.92 years of service to the City. His last working day was Friday, March 24.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the minutes of the March 20 regular session and March 20 closed session minutes were approved as submitted.

The Mayor and City Council continued a public hearing from Monday, March 6, to consider amending sections 92.085B and 20.80 of City Ordinance related to Historic Preservation Commission.

Planning and Development Services Director Kevin Robinson noted that these sections relate specifically to the Historic Resources Commission. Staff initiated the application for amendment to these sections following review and recommendations by the State Historic Preservation Commission. Also, he noted that most of the proposed amendments are to use words or phrases more consistent to State Statute. One major change will change the approval of Minor certificates of appropriateness by a designated committee, instead having these approved by the HRC administrator. This is consistent

with state statute and typical of most HRC's across the state. No one spoke for or against this hearing.

Mr. Robinson reviewed with Council the required and suggested changes and answered any questions that Council had.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall, and unanimously carried, the City Council closed the public hearing.

Councilmember Bramlett made a motion to amend Ordinance 17-05 concerning Section J, Item 5, to make appeals to the City Council. Councilmember Hall seconded the motion. Voting for the motion were Councilmember Aldridge, Dry, Bramlett, Hall, Hughes and Townsend. Voting against the motion was Councilmember Whitley. The motion carried.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, and unanimously carried, the City Council approved the following ordinance as amended:

(Ordinance 17-05. To amend Chapters 92.085B and 21.80 related to Historic Preservation.)

The Mayor and City Council considered a text amendment for §92.101 Procedure for Conditional Use Permits. Planning and Development Services Director Kevin Robinson noted their department received a number of inquiries pertaining to conditional uses. Mr. Robinson stated it was prudent to update the conditional use permit process so as to better reflect the allowed process in state statute and the requirements currently in the application process. The City is expected to see numerous conditional use permit applications in the coming months, including several for electronic gaming establishments. Mr. Robinson noted that technically the City has very little in City code to allow Council to affirm, deny or attach conditions to these permits. No one spoke for or against this hearing. No one spoke for or against this hearing.

Mr. Robinson answered any questions that Council had.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council closed the public hearing.

Councilmember Bramlett moved to approve the following ordinance as amended changing 92.101, F: Expiration, 1B from 180 days to 90 days. Councilmember

Dry seconded the motion. Voting for the motion were Councilmembers Aldridge, Dry, Bramlett, Hall, Townsend and Whitley. Voting against the motion was Councilmember Hughes. The motion carried.

(Ordinance 17-07. To amend City Land Use Ordinance
Section 92.101 Procedure for Conditional Use Permits.)

The Mayor and City Council held a quasi-judicial hearing to consider a conditional use permit for use 92.080(C)(11) Unlimited electronic, mechanical, manual and skill games, excluding, however, billiard tables located at 2000 US 52 Highway North. Planning and Development Services staff recommends that Council members use the recently amended 92.101 PROCEDURE FOR CONDITIONAL USE PERMITS and the findings in the four findings in the conditional use permit application as criteria for approval or denial of permit and/if when placing conditions on conditional use permits.

Mr. David Chan, Northwoods Plaza, co-owner of 2000 US Hwy. 52 N, came forward and answered any questions that Council had. Planning and Development Services Director Kevin Robinson also answered any questions for Council.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, and unanimously carried, the City Council closed the public hearing.

Findings of Fact

The City Council considered the following findings of fact:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hughes, and unanimously carried, the City Council approved finding of fact #1.

2. The use meets all required conditions and specifications.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry, and unanimously carried, the City Council approved the findings of fact # 2 as amended:

- In all zoning districts where computer gaming establishments are authorized, they may not be placed within 250 feet of any church and 500 feet any public or private school, any licensed day care facility or of any other building within which an existing electronic gaming establishment is located. Distance shall be measured from the structures.
- Access. All electronic gaming terminals/computers/machines/gaming stations shall be open and visible from the front interior of the establishment. At all times while open for business and while patrons are on the premises, electronic gaming operations shall be open for direct, unobstructed access by police officers, fire department personnel, and emergency response personnel. Entrance doors shall remain unlocked at all times while patrons are on the premises. Police officers, fire department personnel, and emergency response personnel shall have direct access to the premises without requiring assistance from an employee, agent, or owner of the establishment.
- Hours of Operation. No person or entity engaged in electronic gaming operations defined herein shall engage in the business before 10:00 a.m. or after 12:00 midnight Monday through Saturday and shall not engage in business before 1:00 p.m. or after 12:00 midnight on Sundays. No playing on any computer subject to this chapter shall be allowed during the times when computer gaming establishments are required by this chapter to remain closed.
- Age Restrictions. No electronic gaming establishment shall allow, permit, or condone any person under the age of 18 to engage in electronic gaming operations or supervise operation of machines.
- Maximum Number. The maximum number of terminals/computers/machines/gaming stations within an electronic gaming establishment is 20.
- Firearms are prohibited in electronic gaming establishments unless said condition conflicts with state or federal law.
- Signage. Electronic gaming establishments shall prominently post the rules of the sweepstakes games.
- Conditional Use Permit application 2017-001 shall expire six months from the date of the issuance of the order and shall need re-approval by City Council.

3. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the finding of fact #3.

4. The location and character of the used, if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located

and in general conformity with the plan of development of the City of Albemarle and its environs.

Upon a motion by Councilmember Townsend, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved the findings of fact #4.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the City Council approved conditions as amended for a Conditional Use Permit to allow the use of 92.080(C)(11) unlimited electronic, mechanical, manual and skilled games, excluding billiard tables located at 2000 US Hwy. 52 North in GHBD.

Mayor Michael stated that the following are agenda adjustments to be added at the end of the new business items, before closed session:

Special Event Permit/Street Closure for Moonlight Marathon

Special Event Permit/Street Closure for Beach Blast 5 K Run

Letter of Support to USDA for GHA Autism Supports

Approval of Year 2 as Part of 3 year audit contract with Porter and Co., PA for 2016-17 City audit

Chief Carla King, Stanly County Sheriff's Office came before Council to request a street closure on South Second Street from Main Street to King Street be closed on April 25 for the Glow Run Event sponsored by the Sheriff's Office from 6-9 pm. The Sheriff's Department also requested a waiver of the Street Closing fee of \$50.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Aldridge, and unanimously carried, the City Council approved a street closure on South Second Street from Main Street to King Street be closed on April 25 for the Glow Run Event sponsored by the Sheriff's Office from 6-9 pm and waived the \$50 street closing fee for the event.

Mr. Mike Smith, Stanly County Economic Development Director, came before City Council to introduce himself to Council. He stated that he is excited to be in Stanly County and to be a part of the growth taking place here.

Mr. Smith was the Executive Director of the Statesville Regional Development organization from 2006-2016. In this role, he developed and carried out a marketing plan to promote Statesville and the surrounding area to prospective businesses and industry. He has more than 25 years of progressive economic and business development experience in both the public and private sectors.

The Mayor stated that Council had a copy of the municipal calendar in their agenda packets and asked if anyone had any questions.

The Mayor and City Council considered a resolution for Intent to Abandon Alleyway at Second Street and King Avenue and to set a public hearing for May 1, 2017 at 7:00 p.m. It was noted that at the previous meeting, Council considered this abandonment request by Mark Lowder for a portion of alleyway at the corner of Second Street and King Ave.

Upon a motion by Councilmember Hall, seconded by Councilmember Bramlett, and unanimously carried, the City Council approved a Resolution of Intent to abandon an alleyway at Second Street and King Avenue and to set a public hearing to consider an ordinance to abandon on Monday, May 1 at 7 pm.

(Resolution 17-07 - Resolution of Intent to abandon the alleyway off King Street owned by Mark Lowder.)

The Mayor and City Council considered a Special Event application with a street closure request for Dinner on Main. This is the City's first special event application under the new policy that requests alcohol and street closures to be permitted in the event. Council reviewed the application and was asked to make approval contingent on the applicant receiving their ABC permits, proof of Liquor Liability coverage, and NCDOT permits. The applicant has obtained coverage for the \$1M liquor liability policy and the City is just waiting proof on insurance; general liability already received.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Townsend, and unanimously carried, the City Council approved a Special Event application for the Dinner on Main Event on June 10 with approval contingent on the applicant receiving their ABC permits, proof of Liquor Liability coverage, and NCDOT permits. Streets requested for closure is First Street from North to King Street and Main Street from Depot to Second Street 4-11:30 pm.

Ms. Kathy Faircloth and Mr. Jim Bowen with Piedmont Natural Gas (PNG) came before Council to approve a gas main extension on Hawthorn Avenue. The extension is proposed to be on the north side of the right of way, beginning at the intersection with North Fifth Street and extending 430-feet west. The installation will be off the travel surface of Hawthorn and will occur via trenching. Council reviewed the application package and supporting materials provided them.

It was the consensus of City Council to approve a gas main extension on Hawthorn Avenue for Piedmont Natural Gas on the north side of the right of way, beginning at the intersection with North Fifth Street and extending 430-feet west.

The Mayor and City Council considered installment financing to purchase approximately 283-acres of land with Tax Record #'s 32787 and 4737 for the Albemarle Corporate Center. It was noted that a public hearing, as required under G.S. 160A-20(g), is requested for Monday, May 1, 2017 at 7:00 p.m. in the Council Chambers. The land will be developed by the City into a Corporate Center to attract business and industry to create jobs. This land is located south of US Hwy 24/27 and is adjacent to the City and accessible by Henson Road and US Hwy 52 Business South. The City's Financial Advisors, First Tryon has developed a schedule of corporate center financing related activities and have reviewed this document.

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, the City Council approved setting a public hearing for May 1 at 7 pm to consider the use of the installment financing agreement to purchase approximately 283 acres of land for the Albemarle Corporate Center.

The Mayor and City Council considered a resolution for the appointment of Deputy Finance Officer. This will formally appoint Assistant Finance Director Matthew J. Smith as Deputy Finance Officer. While Council defers appointment of

Finance Director to the City Manager, per state statute, Council must appoint Deputy Finance Officer.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, and unanimously carried, the City Council approved a resolution appointing Assistant Finance Director Matthew J. Smith as Deputy Finance Officer.

(Resolution 17-06. To appoint Assistant Finance Director, Matt Smith as Deputy Finance Officer.)

The Mayor and City Council considered a resolution in support of a 1/4-Cent Municipal Sales Tax for Transportation. The City Manager noted that at Town Hall Day, the City heard there would be legislation proposed in the NC General Assembly to enact a 1/4 cent sales tax to address municipal needs. The City Manager noted that this is something that is seriously needed with the recent erosion of other revenue sources and legislation that has limited the abilities of municipalities to grow. These changes have placed a greater reliance on property taxes. The NCLM League of Municipalities has approved local revenue control as a top priority. This proposed resolution ties support to a tax for transportation issues. The addition of a 1/4-cent municipal sales tax would make significant strides in helping the City of Albemarle meet the needs identified in the street condition study.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Hall, and unanimously carried, the City Council approved a resolution in Support of a 1/4-Cent Municipal Sales Tax for Transportation.

(Resolution 17-08 - To support of a 1/4-Cent Municipal Sales Tax for Transportation.)

The Mayor and City Council considered a proclamation in support of the National Day of Prayer to be May 4, 2017 and the local event will be held on this same day at the Courthouse Square Park at noon.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved a proclamation in support of the National Day of Prayer on May 4, 2017.

(Proclamation)

The Mayor and City Council reviewed information concerning 2017 pool operations for the City pools. Assistant City Manager Christina Alphin has been working with the Parks and Recreation staff for the summer pool season. She and the Parks and Recreation staff are making the recommendations to provide for better efficiency at swim lessons and more opportunity for open-swim times for the general public.

Ms. Alphin noted that the new schedule this year will combine all swim lessons into one pool. By designating Rock Creek for all swim lessons, staff will be able to open Chuck Morehead at the same budgetary impact. In the event large waiting lists are generated from this switch, staff will plan to open more classes based on public demand. Rock Creek will have the same hours as usual and Chuck Morehead will be open for open-swim from 10:00 a.m.-8:00 p.m. Monday-Friday and 10:00 a.m.-5:30 p.m. on Saturday. There will be a large marketing campaign in the weeks to come to promote more family friendly attendance at Chuck Morehead and allowing small coolers (with non-alcoholic beverages and non-glass bottles) and food.

Upon a motion by Councilmember Hughes, seconded by Councilmember Hall, and unanimously carried, the City Council approved the 2017 Pool Schedule for Rock Creek and Chuck Morehead Parks.

The Mayor and City Council considered a schedule for regular meetings for June – August. It was proposed at the previous meeting that we alter our meeting schedule for the summer months, similarly to what we did last year and suggested that if this schedule is followed, that the meetings begin at 6:00 p.m. The dates suggested for the regular meetings are: June 12, July 10, and August 7.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the following dates for regular meetings for June – August 2017 and to begin the regular meetings at 6 pm instead of 7 pm as follows: June 12, July 10, August 7.

The Mayor and City Council considered a tour of City Facilities. The City Manager noted that it would be helpful if we could do these after the first week in May.

Hopefully this will allow enough time to schedule the event, allow the Departments to prepare, and Council to work it into your schedules. May 9, 10, 11 and 12 are tentative dates he proposed that would work for those on Council that are interested.

The City Manager will send out an email to Mayor and Council of the dates and tour schedule and they can let him know if they will be able to attend.

Upon a motion by Councilmember Hall, seconded by Councilmember Townsend, and unanimously carried, the City Council approved the Special Event application for the Moonlight Marathon on May 20 to close Speights Road from NC Hwy 740 to Moss Springs Road for the 5K Run.

Upon a motion by Councilmember Bramlett, seconded by Councilmember Whitley, and unanimously carried, the City Council approved the Special Event application for the Beach Blast 5 K Run on May 13 to close Depot Street from Main to North Streets from 6:00-10:00 am and also Second Street from 7:00-9:00 am from Main to King Streets for the start of the race.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the a letter of support from Mayor Michael for GHA Supports to the USDA Rural Development for funding of its project on Morrow Mountain Road in Albemarle.

Upon a motion by Councilmember Hall, seconded by Councilmember Hughes, and unanimously carried, the City Council approved Year 2 as part of a 3-year audit contract with Potter and Co., PA for 2016-17 City Audit.

Mayor Michael introduced the City's new Parks and Recreation Director, Lisa Kiser. She came forward and stated that she is coming from Winston-Salem and a 20 year veteran. She stated she is excited to be here and ready to jump right in.

Mayor Michael informed Council of the Strategic Planning meeting of the steering committee on Wednesday, April 12 at City Hall from 9-11 am if any of Council can attend. The Mayor and City Manager will attend and Councilmember Bramlett affirmed attendance.

Councilmember Hall reminded everyone of the Stanly County Hazardous Waste/Electronics Event on Saturday, April 8 from 9-1 pm at the Agri-Civic Center.

Councilmember Hall stated that House Bill 257, it would require City agreements be approved by the County which would definitely directly influence our County.

Councilmember Dry stated that he thought City Council had considered \$4,000 toward Beach Blast in the current budget. The City Manager confirmed this and Finance Director Colleen Conroy stated that the \$4,000 was put in a contingency fund. Assistant City Manager Christina Alphin stated that there was \$9,000 placed in a fund for special events in the proposed FY 17/18 Budget.

Councilmember Whitley thanked Parks and Recreation, Public Works Street Department and anyone that worked at the Mini-Medley Relay on Saturday, March 25.

Upon a motion by Councilmember Dry, seconded by Councilmember Hall, and unanimously carried, the Mayor and City Council adjourned to a Closed Pursuant to NCGS 160A-318.11(a) (1) and (3) (5) - To prevent the disclosure of information that is privileged or confidential pursuant to the laws of the State, to consult with City Attorney and Real Estate.

Upon a motion by Councilmember Hall, seconded by Councilmember Aldridge, and unanimously carried, the Mayor and City Council reconvened to open session. Mayor Michael announced that a closed session was held Pursuant to NCGS 160A-318.11(a) (1) and (3) (5) - To prevent the disclosure of information that is

privileged or confidential pursuant to the laws of the State, to Consult with City Attorney, and Real Estate.

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, and unanimously carried, the City Council approved the purchase of the property located at 155 West South Street in the amount of \$600,000 for the purpose of placing the new Police Department in this location.

Upon a motion by Councilmember Whitley, seconded by Councilmember Hall, and unanimously carried, the City Council approved the following resolution:

(Resolution 17-09 - To reimburse the City for the purchase of the property located at 155 West South Street in the amount of \$600,000 from the Bank of NC.)

Upon a motion by Councilmember Aldridge, seconded by Councilmember Townsend, and unanimously carried, the City Council approved the following resolution:

(Resolution 17-10 - To provide the City's intent to finance \$3.2 million for 20 years at 3.25% from the Bank of NC as part of the property acquisition agreement, subject to Local Government Commission (LGC) approval.)

Upon a motion by Councilmember Hall, seconded by Councilmember Dry, and unanimously carried, the City Council approved the following resolution:

(Resolution 17-11 - To exempt the City of Albemarle from Professional Services for the due diligence evaluation of the building located at 155 West South Street from G.S. 143-64.3.)

Mayor Michael stated that he will not be able to attend the joint meeting of the City Council/Planning Board/BOA on Wednesday, April 19 due to being out of town.

Mayor Pro Tem Hall affirmed her attendance at this meeting on April 19.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, unanimously carried, the meeting was adjourned.